



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

Water Rights – Hillis Rule

Chapter 173-152 WAC

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Contact Information

This report is available on the Department of Ecology's website at www.ecy.wa.gov/biblio/1011028.html

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Ecology publishes this document to meet the requirements of the Washington State Administrative Procedure Act (RCW 34.05.325)

To ask about the availability of this document in a version for the visually impaired, call the Water Resources Program at 360-407-6872.

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Purpose

Ecology provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

Introduction

The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-152 WAC, Water Rights, about how the Department of Ecology (Ecology) intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

Implementation and Enforcement

This is an amendment to the existing rule. Ecology's Water Resources Program has administered this rule since adoption in 1998. The existing rule describes how the Program organizes and manages its workload. The major change to the rule was adding a section about organizing and managing workload under Chapter 90.90 RCW and prioritizing reservoir applications funded by Chapter 90.90 RCW.

Ecology has 15 FTEs assigned to the implementation of the Chapter 90.90 RCW sections of the rule amendment. These FTEs are housed in the Central, Eastern, and Southwest Regional Offices.

The Water Resources Program's permitting staff in the four regions will continue to implement other portions of the rule as in the past including a total of 41 FTEs. Staff uses this rule as guidance when making decisions for managing and processing applications as required by law. In addition, Ecology will continue to make decisions for priority processing an application on a case-by-case basis. When appropriate, Ecology will consult with other government agencies such as Washington Department of Health and Washington Department of Fish and Wildlife. Enforcement in the Water Resources Program will remain the same.

Informing and Educating Persons Affected by the Rule

Most Water Resources Staff are accustomed to relying on this rule for prioritizing and managing workloads since it was originally adopted. The Water Resources Program will provide internal guidance to its staff about the new rule.

Ecology plans to develop a focus sheet for staff and public use describing the various processing choices for a water right applicant. Education of applicants requesting priority processing will also be conducted on a case-by-case basis as each application is evaluated for potential of priority processing.

Ecology will also maintain its website to include information about processing applications under this rule.

Promoting and Assisting Voluntary Compliance

Ecology will encourage each applicant on a case-by-case basis to voluntarily provide information to support priority processing under this rule. If this rule does not meet the needs of the applicant to expedite an application, Ecology will work with the applicant to seek other potential options and provide guidance regarding those options. Since applicants submit applications on an as-needed basis, general compliance with this rule is considered voluntary.

Evaluating the Rule

The primary purpose of the amended rule is the management and organization of applications processed using Chapter 90.90 RCW funding. It also provides a means of prioritizing reservoir applications in order to address the backlog of applications that are funded through Chapter 90.90 RCW. To document the rules' effectiveness, Ecology will track the backlogged applications processed resulting from a prioritized storage application.

Historically, Ecology permitting staff uses this rule when making water right application decisions including the most critical basin and applications that meet any priority processing criteria. Ecology will continue to evaluate the rule's effectiveness as it processes applications and tracks the information within the water rights tracking system (WRTS). The WRTS database allows queries for priority processing and details of each application.

Training and Informing Ecology Staff

Ecology will develop a focus sheet that will provide information on prioritizing applications under this rule amendment as well as under other authorized expediting processes. A representative from each region involved in the rule development will provide guidance to the regional staff on the new rule.

List of Supporting Documents that May Need to be Written or Revised

Needs to be written:

Ecology plans to develop a focus sheet describing the Hillis Rule as well as other expedited application processing opportunities for applicants. These opportunities will include such processes as cost reimbursement, water conservancy boards, and expedited processing under RCW 90.03.655.

Revisions needed:

- Focus Sheet: Organizing Water Resources Permitting Work, Publication No. 98-1803-WR, Revised April 2008.
- Focus Sheet: The *Hillis* Decision and Water rights Permitting, Publication No. 97-1801-SHWR, May 1997.
- The Water Resources Program websites related to the Office of Columbia River and permitting.

More Information

For more information, visit the following websites:

- Rule-making documents: <http://www.ecy.wa.gov/laws-rules/wac173152/wac173152.html>
- Rule-making activity: <http://www.ecy.wa.gov/programs/wr/rules/hillis.html>
- Office of Columbia River: <http://www.ecy.wa.gov/programs/wr/cwp/crwmp.html>

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